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FLOOR STATEMENT  
BY  
CHAIRMAN BARRY GOLDWATER  
OF THE  
SENATE SELECT COMMITTEE ON INTELLIGENCE  
ON ALLEGED COVERT ACTION  
BEING CONDUCTED IN CENTRAL AMERICA  
TUESDAY, APRIL 12, 1983

MR. PRESIDENT, OVER THE PAST SEVERAL WEEKS THE MEDIA HAS BEEN FILLED WITH STORIES REGARDING ALLEGED U.S. COVERT ACTION IN CENTRAL AMERICA. IT HAS BEEN SAID THAT THE UNITED STATES IS SUPPORTING AN EFFORT TO "OVERTHROW" THE SANDINISTA'S MARXIST-INSPIRED MILITARY DICTATORSHIP IN NICARAGUA.

HIGH ADMINISTRATION OFFICIALS, MEMBERS OF CONGRESS AND OTHERS HAVE APPARENTLY BEEN TALKING FREELY ABOUT THESE MATTERS. THE NEW YORK TIMES EVEN PUBLISHED WHAT IT CLAIMS IS A TOP SECRET NATIONAL SECURITY COUNCIL DOCUMENT RELATING TO THESE ALLEGATIONS. NOW, THIS IS DEPLORABLE, MR. PRESIDENT, THAT WHAT WOULD APPEAR TO BE THE NATION'S SECRETS ARE SO LITTLE REGARDED AND SO POORLY PROTECTED THAT THEY DAILY BECOME GRIST FOR THE MEDIA MILL!

IN THE PAST, I HAVE OFTEN SPOKEN IN THESE CHAMBERS ON THE ISSUE OF LEAKS AND PROPER SECURITY. WE ALL KNOW TOO WELL THAT, "IT IS THE SHIP OF STATE WHICH LEAKS AT THE TOP." NONETHELESS, AS CHAIRMAN OF THE SENATE SELECT COMMITTEE ON INTELLIGENCE, I FEEL A RESPONSIBILITY TO REMIND MY COLLEAGUES OF THEIR OBLIGATION

TO PROTECT THE LEGITIMATE SECRETS OF THIS NATION REGARDLESS OF THE APPARENT IMPORTANCE OF AN ISSUE OR THE HEAT OF DEBATE. THE UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION MAY GIVE ONE OR THE OTHER OF US A SHORT-TERM ADVANTAGE IN DEBATES OF THIS SORT, BUT THE LONG-TERM BENEFICIARIES OF THIS PRACTICE ARE USUALLY THE ENEMIES OF THE UNITED STATES. I BELIEVE THERE CAN BE FREE DEBATE WITHOUT A FREE-FOR-ALL, AND I URGE MY COLLEAGUES TO USE RESTRAINT WHEN DISCUSSING ALLEGED COVERT ACTION ACTIVITIES IN PUBLIC.

### "CRISIS OF CONFIDENCE"

LAST WEEK, ONE OF MY COLLEAGUES ON THE SENATE SELECT COMMITTEE ON INTELLIGENCE STATED PUBLICLY THAT THERE WAS A "CRISIS OF CONFIDENCE" BETWEEN OUR COMMITTEE AND THE INTELLIGENCE COMMUNITY. HE WENT ON TO SAY THAT THIS "CRISIS" HAD COME ABOUT OVER REPORTING ON ALLEGED COVERT ACTION ACTIVITIES DIRECTED AGAINST THE SANDINISTA GOVERNMENT IN NICARAGUA, AND HE SUGGESTED THAT WE HAD NOT BEEN KEPT FULLY INFORMED ON THESE MATTERS.

MR. PRESIDENT, I WANT TO MAKE IT PERFECTLY CLEAR THAT I BELIEVE WE HAVE BEEN KEPT "FULLY AND CURRENTLY INFORMED" WITH RESPECT TO ALL INTELLIGENCE ACTIVITIES CURRENTLY BEING CONDUCTED IN CENTRAL AMERICA. WE HAVE HAD MORE HEARINGS AND BRIEFINGS ON THIS PART OF THE WORLD OVER THE PAST TWO YEARS THAN ON ANY OTHER SINGLE SUBJECT. AS OUR DISTINGUISHED VICE CHAIRMAN, SENATOR MOYNIHAN POINTED OUT LAST WEEK, WE HAVE SPENT A FULL 25% OF OUR TIME ON THESE MATTERS. MEMBERS OF THE COMMITTEE AND COMMITTEE STAFF HAVE TRAVELLED IN CENTRAL AMERICA AT MY

REQUEST, OUR QUESTIONS HAVE BEEN ANSWERED AND OUR CONCERNS HAVE BEEN HEARD.

MR. PRESIDENT, THIS TALK OF A "CRISIS OF CONFIDENCE" IS A THROWBACK TO THE RHETORIC OF THE 1970'S WHEN THE CHURCH AND PIKE COMMITTEES WERE CRAWLING INTO THE HEADLINES ON THE BACKS OF THE INTELLIGENCE COMMUNITY. I SEE NO NEED AND NO VALUE TO DIGGING UP ALL THIS OLD RHETORIC. I THINK THAT WE CAN MAKE A LOT MORE SENSE OUT OF WHAT IS GOING ON IN CENTRAL AMERICA IF WE LEAVE THESE OLD GHOSTS IN THE CLOSET WHERE THEY BELONG.

#### VIOLATION OF THE LAW?

ANOTHER MEMBER OF THE SENATE INTELLIGENCE COMMITTEE HAS WONDERED ALOUD WHETHER ALLEGED COVERT ACTION ACTIVITIES DIRECTED AGAINST NICARAGUA VIOLATE THE LAW. NOW, I DO NOT THINK THAT ANYONE QUESTIONS THE PRESIDENT'S LEGAL AUTHORITY TO CONDUCT COVERT ACTION. UNDER THE PROVISIONS OF 22 UNITED STATES CODE 2422, PRESIDENTIAL FINDINGS CONSTITUTE BOTH THE LEGAL AUTHORITY AND THE POLICY FRAMEWORK FOR COVERT ACTION PROGRAMS. THESE PROGRAMS ARE ROUTINELY BRIEFED TO THE HOUSE AND SENATE INTELLIGENCE COMMITTEES WHICH, IN TURN, REPORT AUTHORIZATION LEGISLATION TO FUND THEM. OCCASIONALLY, COVERT ACTION PROPOSALS ARE NOT AUTHORIZED BY THE CONGRESS, AND FUNDS ARE WITHHELD ACCORDINGLY.

WHAT IS REALLY AT ISSUE HERE IS WHETHER THE UNITED STATES GOVERNMENT IS DOING ANYTHING IN CENTRAL AMERICA WHICH WOULD VIOLATE THE SO-CALLED BOLAND AMENDMENT. THIS AMENDMENT, WHICH

WAS PASSED LAST DECEMBER BY A VOTE OF 411 TO 0 IN THE HOUSE OF REPRESENTATIVES, STATES:

SEC. 794, NONE OF THE FUNDS PROVIDED IN THIS ACT MAY BE USED BY THE CENTRAL INTELLIGENCE AGENCY OR THE DEPARTMENT OF DEFENSE TO FURNISH MILITARY EQUIPMENT, MILITARY TRAINING OR ADVICE, OR OTHER SUPPORT FOR MILITARY ACTIVITIES, TO ANY GROUP OR INDIVIDUAL, NOT PART OF A COUNTRY'S ARMED FORCES, FOR THE PURPOSE OF OVERTHROWING THE GOVERNMENT OF NICARAGUA OR PROVOKING A MILITARY EXCHANGE BETWEEN NICARAGUA AND HONDURAS."

MR. PRESIDENT, I AM CONSTRAINED FROM DISCUSSING THIS MATTER IN ANY USEFUL DETAIL IN AN OPEN FORUM OF THE U.S. SENATE. NONETHELESS, THE SENATE INTELLIGENCE COMMITTEE HAS MET IN FULL COMMITTEE SESSION SEVERAL TIMES SINCE THE BOLAND AMENDMENT BECAME LAW SPECIFICALLY TO ADDRESS THE QUESTION OF WHETHER IT WAS BEING OBSERVED. TRANSCRIPTS OF THESE SESSIONS ARE AVAILABLE TO ALL MEMBERS OF THE SENATE UNDER THE PROVISIONS OF SENATE RESOLUTION 400. IN FACT, A GREAT DEAL OF MATERIAL ON THIS SUBJECT IS AVAILABLE TO MEMBERS WHO ARE INTERESTED IN SEEING IT.

I BELIEVE THAT MOST MEMBERS OF THE SENATE WILL BE SATISFIED THAT THE INTELLIGENCE COMMUNITY IS LIVING UP TO ITS OBLIGATIONS UNDER THE LAW. THE SECRETARY OF STATE AND OUR AMBASSADOR TO THE UNITED NATIONS HAVE SAID, "THE UNITED STATES GOVERNMENT IS NOT BREAKING THE LAW, AND THE UNITED STATES GOVERNMENT WOULD NOT BREAK THE LAW." I CONCUR WITH THIS POINT OF VIEW IN THE CONTEXT OF ALLEGED COVERT ACTION DIRECTED AGAINST THE MARXIST REGIME IN NICARAGUA.

MARXIST MILITARY MIGHT

IT SEEMS TO ME THAT THE CRUX OF THIS DEBATE INVOLVES WHETHER OR NOT THE U.S. GOVERNMENT IS TRYING TO OVERTHROW THE MARXIST MILITARY REGIME IN MANAGUA, NICARAGUA. MOST OF MY COLLEAGUES WILL REMEMBER THAT WHEN THE SANDINISTA FORCES TOOK CONTROL IN NICARAGUA IN 1979, THEY ENJOYED THE SUPPORT OF ALMOST ALL POLITICAL GROUPS IN THEIR COUNTRY. THEY HAD A FORCE OF OVER 15,000 WELL-ARMED AND TRAINED GUERRILLAS. BOTH THE CARTER ADMINISTRATION AND CASTRO'S CUBA SUPPORTED THE OUSTER OF PRESIDENT SOMOZA, WHO EVENTUALLY FLED WITH HIS PALACE GUARD TO AN ESTATE IN FLORIDIA. LATER, HE WAS MURDERED BY A SANDINISTA DEATH SQUAD IN PARAGUAY.

SINCE 1979, THE MARXIST SANDINISTA GOVERNMENT IN NICARAGUA HAS DEVELOPED THE LARGEST MILITARY FORCE IN CENTRAL AMERICA. THEY HAVE IMPROVED A DOZEN OF THEIR EXISTING BASES, AND HAVE CONSTRUCTED ALMOST 40 NEW MILITARY BASES. THEY HAVE BUILT UP A REGULAR MILITARY FORCE OF OVER 20,000 TROOPS, WITH RESERVES OF OVER 20,000 AND A MILITIA OF ALMOST 30,000. WITH THIS FORCE, THE NICARAGUANS CAN FIELD OVER 90 INFANTRY BATTALIONS OF VARIED COMBAT EFFICIENCY.

OBVIOUSLY, CUBA HAS PLAYED AN IMPORTANT ROLE IN THE SUCCESS OF NICARAGUA'S MILITARIZATION PROGRAM. THEIR MILITARY FORCES ARE PATTERNED AFTER CUBA'S, AND THOUSANDS OF CUBANS SERVE IN A VARIETY OF ROLES IN NICARAGUA. SUBSTANTIAL AMOUNTS OF SOVIET MILITARY SUPPLIES FLOW INTO NICARAGUA EVERY DAY BY WAY OF CUBA.

NOW, MR. PRESIDENT, DO ANY OF MY COLLEAGUES SERIOUSLY BELIEVE THAT THIS MARXIST MILITARY MACHINE IS GOING TO BE BROUGHT TO ITS KNEES BY SEVERAL THOUSAND NICARAGUAN AND MOSKITO INDIAN FREEDOM-FIGHTERS? I BELIEVE THAT THE SOVIET-SUPPORTED SANDINISTA GOVERNMENT IS FULLY CAPABLE OF DEFENDING ITSELF FROM ANTI-SANDINISTA INSURGENTS OPERATING OUT OF THE TERRITORY OF ANY OF ITS NEIGHBORS. FURTHERMORE, NICARAGUA IS CAPABLE OF LAUNCHING STRIKES AGAINST EL SALVADOR, HONDURAS AND COSTA RICA. AFTER ALL, EL SALVADOR IS IN THE THROES OF A NICARAGUAN-SUPPORTED INSURGENCY, COSTA RICA MAINTAINS NO STANDING ARMY AT ALL AND HONDURAS IS LEFT PRETTY MUCH ALONE AGAINST THE LARGEST MILITARY FORCE IN CENTRAL AMERICA.

MR. PRESIDENT, I WILL NOT LABOR THE POINT. WINSTON CHURCHILL ONCE SAID, "YOU CANNOT ARGUE AGAINST ARITHMETIC." THE ARITHMETIC IN CENTRAL AMERICA SIMPLY DOES NOT SUPPORT THE THESIS THAT A RELATIVELY SMALL BAND OF ANTI-SANDINISTAS IS GOING TO OVERTHROW THE SANDINISTA REGIME IN NICARAGUA. UNFORTUNATELY, MR. PRESIDENT, THE ODDS ALL SEEM TO FAVOR NICARAGUA'S MARXIST MILITARY MACHINE DOING ALL THE OVERTHROWING, NOW AND INTO THE FUTURE. SO LET US NOT BE DECEIVED INTO WORRYING ABOUT WHETHER THERE IS ANY PURPOSE OR INTENTION TO OVERTHROW THE MARXIST GOVERNMENT IN NICARAGUA WHEN THERE IS NO APPARENT CAPABILITY TO DO SO.

#### POWER OF THE PURSE

MR. PRESIDENT, I HAVE BEEN OUT OF WASHINGTON FOR ALMOST TWO WEEKS NOW. ON MY RETURN, IT SEEMS THAT THE DAM HAS BURST

WITH REGARD TO CONCERN ABOUT U.S. POLICY AND PROGRAMS IN CENTRAL AMERICA. WE HAVE A REAL OLD FASHIONED CAT FIGHT HERE. SECRETS ARE SPILLING OUT INTO THE PUBLIC DOMAIN, WE HAVE TALK ABOUT A "CRISIS OF CONFIDENCE," CHARGES ARE MADE THAT THE U.S. GOVERNMENT IS BREAKING THE LAW, AND THERE IS TALK OF OVERTHROWING THE MOST POWERFUL MILITARY MACHINE IN CENTRAL AMERICA. ON THE HOUSE SIDE, THERE IS APPARENTLY SERIOUS DISCUSSION OF INTRODUCING LEGISLATION WHICH WOULD GIVE THE CONGRESS THE POWER TO VETO COVERT ACTION PROGRAMS PROPOSED BY THE PRESIDENT OF THE UNITED STATES.

NOW, I AM NOT A LAWYER AND MAYBE I AM MISSING SOMETHING HERE, BUT I ALWAYS THOUGHT THAT THE FOUNDING FATHERS GAVE THE CONGRESS SUBSTANTIAL POWERS OVER EXECUTIVE ACTION THROUGH WHAT HAS COME TO BE KNOWN AS THE "POWER OF THE PURSE." ARE MY COLLEAGUES SUGGESTING THAT, SOMEHOW, THE CARTER AND REAGAN ADMINISTRATIONS HAVE BEEN IMPLEMENTING A POLICY AND RUNNING A PROGRAM THAT HAS NOT BEEN AUTHORIZED BY AND PAID FOR BY THE CONGRESS? IF THIS IS THE CASE, MR. PRESIDENT, THEN WE REALLY HAVE A PROBLEM HERE! BUT, I BELIEVE THIS IS NOT THE CASE. AGAIN, WE CANNOT REVIEW ALL OF THIS IN PUBLIC SESSION. BUT, I WOULD LIKE MY COLLEAGUES TO SHOW ME WHAT THE CARTER AND REAGAN ADMINISTRATIONS HAVE BEEN DOING THAT WE, THE CONGRESS, HAVE NOT PAID FOR. IN SHORT, MR. PRESIDENT, WE ALREADY HAVE THE MECHANISMS AND THE POWER TO SHUT OFF ANY PROGRAMS WHICH WE DEEM TO BE CONTRARY TO THE BEST INTEREST OF THE UNITED STATES.



SHOOT THE MESSENGER

IN MANY CULTURES OF THE WORLD, INCLUDING OUR OWN, THERE IS A TENDANCY TO BLAME THE BEARER OF BAD NEWS. WHILE THIS IS PERFECTLY UNDERSTANDABLE IT IS, NONETHELESS, UNFAIR TO SHOOT THE MESSENGER JUST BECAUSE HE CARRIES AN UNPOPULAR MESSAGE.

IT IS MY EXPERIENCE, MR. PRESIDENT, THAT THE CONDUCT OF COVERT ACTION CARRIES WITH IT THE SAME RISKS AS CARRYING BAD NEWS. IF THE ACTION IS SUCCESSFUL, ONLY A VERY FEW PEOPLE ARE AWARE OF THE SUCCESS. AFTER ALL, COVERT ACTION MUST BY DEFINITION REMAIN SECRET. WHEN COVERT ACTION BECOMES PUBLIC, BY CONTRAST, IT AUTOMATICALLY FAILS TO SERVE ITS INTENDED PURPOSE AND EVERYONE INVOLVED TENDS TO STEP AWAY FROM THE AGENTS OF THE ACTION. IT DOES NOT MATTER THAT THE NATIONAL SECURITY COUNCIL MAKES A RECOMMENDATION TO THE PRESIDENT, WHO THEN SIGNS A FINDING. IT DOES NOT MATTER THAT THE STATE DEPARTMENT PROVIDES POLICY SUPPORT FOR THE ACTION, OR THAT THE CONGRESS PROVIDES THE FUNDS. ALL THAT MATTERS IS THAT THE INTELLIGENCE COMMUNITY, WHICH IS ALMOST ALWAYS CALLED UPON TO IMPLEMENT COVERT ACTION, IS LEFT HOLDING THE BAG.

MR. PRESIDENT, THIS IS JUST DAMN UNFAIR AND THIS KIND OF COWARDICE MAKES ME MAD AS HELL! HERE WE ALL ARE POINTING OUR FINGERS AT THE INSTRUMENT OF POLICY RATHER THAN DEBATING THE POLICY ITSELF. LET'S NOT SHOOT THE MESSENGER. LET US NOT CUT OFF THE SO-CALLED "INVISIBLE HAND." THIS APPROACH WILL NOT SOLVE THIS PROBLEM OR ANY PROBLEM LIKE IT THAT WE MAY HAVE IN THE FUTURE. IT IS ESSENTIAL THAT WE FACE UP TO OUR

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OWN RESPONSIBILITIES IN THESE MATTERS -- TO OUR OWN INVOLVEMENT -- AND NOT RUN OUT OF THE KITCHEN JUST WHEN IT IS BEGINNING TO GET HOT.

### CONGRESSIONAL COURAGE

WHEN THE SENATE SELECT COMMITTEE WAS ESTABLISHED IN THE SPRING OF 1976, IT WAS GIVEN THE MISSION OF OVERSEEING THE INTELLIGENCE COMMUNITY. AS WELL, THE COMMITTEE WAS GIVEN THE RESPONSIBILITY OF KEEPING THE SENATE INFORMED ON INTELLIGENCE ACTIVITIES. THIS IS WHY SENATE RESOLUTION 400, WHICH ESTABLISHED THE COMMITTEE, REQUIRED THAT WE HAVE TWO -CROSS-OVER MEMBERS FROM THE FOREIGN RELATIONS, ARMED SERVICES, APPROPRIATIONS AND JUDICIARY COMMITTEES. THIS IS ALSO WHY SECTION 8.(c)(2) OF SENATE RESOLUTION 400 STATES:

"THE SELECT COMMITTEE MAY, UNDER SUCH REGULATIONS AS THE COMMITTEE SHALL PRESCRIBE TO PROTECT THE CONFIDENTIALITY OF SUCH INFORMATION, MAKE ANY INFORMATION DESCRIBED IN PARAGRAPH (1) AVAILABLE TO ANY OTHER COMMITTEE OR ANY OTHER MEMBER OF THE SENATE. WHENEVER THE SELECT COMMITTEE MAKES SUCH INFORMATION AVAILABLE, THE COMMITTEE SHALL KEEP A WRITTEN RECORD SHOWING, IN THE CASE OF ANY PARTICULAR INFORMATION, WHICH COMMITTEE OR WHICH MEMBERS OF THE SENATE RECEIVED SUCH INFORMATION. NO MEMBER OF THE SENATE WHO, AND NO COMMITTEE WHICH, RECEIVES ANY INFORMATION UNDER THIS SUBSECTION, SHALL DISCLOSE SUCH INFORMATION EXCEPT IN CLOSED SESSION OF THE SENATE."

MR. PRESIDENT, I AM PROUD OF THE JOB THAT OUR COMMITTEE HAS DONE OVER THE PAST SEVEN YEARS. I WILL DEFEND OUR RECORD OF PERFORMANCE WITH ANYONE WHO WANTS TO ARGUE WITH ME. BUT THE SIMPLE FACT IS THAT NO COMMITTEE CAN PURSUE ISSUES WHICH

NOT RAISED. ONE WEEK AGO, TWO MEMBERS OF OUR COMMITTEE WENT ON THE FLOOR OF THE SENATE TO SAY THAT DOCUMENTARY MATERIALS RELATING TO ALLEGED COVERT ACTION PROGRAMS IN CENTRAL AMERICA WERE AVAILABLE IN THE COMMITTEE OFFICES. TO DATE, NOT ONE MEMBER OF THIS BODY HAS ASKED TO SEE THESE MATERIALS. AT THE SAME TIME, A GOOD MANY MEMBERS OF CONGRESS ARE TAKING IT UPON THEMSELVES TO SPEAK PUBLICLY ON THIS ISSUE. HOW DO THEY KNOW WHAT THEY ARE TALKING ABOUT?

I THINK IT IS TIME THAT THE CONGRESS STOPPED TRYING TO MAKE POLITICAL "BROWNIE POINTS" WITH THE MEDIA AND GOT DOWN TO THE IMPORTANT BUSINESS OF BEING A DELIBERATIVE BODY. IF WE DO NOT LIKE WHAT THE PRESS SAYS IS GOING ON IN CENTRAL AMERICA, THEN LET'S GET TO THE FACTS OF THE MATTER AND ACT. IF FUNDS ARE BEING SPENT FOR ACTIONS WHICH WE DO NOT SUPPORT, THEN LET'S CUT THE FUNDS. WE ARE NOW IN THE MIDST OF THE BUDGET PROCESS, AND NO TIME COULD BE BETTER FOR EXERCISING THE "POWER OF THE PURSE."

IN CLOSING, MR. PRESIDENT, I WOULD LIKE TO SAY THAT I HAVE BEEN A MEMBER OF THE U.S. SENATE SINCE 1952 -- ALMOST 30 YEARS AGO. DURING THAT TIME, I HAVE SEEN THIS BODY MAKE A LOT OF DIFFICULT DECISIONS. I HAVE ALSO SEEN THE SENATE MAKE A LOT OF BAD CHOICES. IT SEEMS TO ME THAT MANY OF THE WORST CHOICES WERE MADE IN THE ABSENCE OF FACTS WHEN THE RHETORIC WAS HOTTEST, AND GOOD COMMON SENSE WAS DRIVEN FROM THIS CHAMBER BY CLOUDS OF PARTISANSHIP AND BIAS. I AM CONCERNED THAT WE MIGHT NOW BE HEADED IN THIS DIRECTION. THERE CAN BE NO QUESTION THAT A GREAT DEAL OF WHAT IS GOING ON IN CENTRAL AMERICA TODAY

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WILL HAVE A PROFOUND EFFECT ON OUR FUTURE AS A NATION AND  
ON THE LIVES OF OUR CHILDREN. IT IS MY SINCERE HOPE THAT WE  
HAVE THE COURAGE TO FACE UP TO THIS CHALLENGE AND MEET IT  
HEAD ON, AND NOT BE LOST IN THE DISTRACTING PARTISAN RHETORIC  
OF THE LAST FEW WEEKS.

THANK YOU, MR. PRESIDENT.